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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF RELIGIOUS INTOLERANCE

Letter dated 29 June 2001 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

I have the honour to transmit herewith the observations of my Government on the report of Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, concerning his visit to Turkey from 30 November to 9 December 2000 (A/55/280/Add.1).

I would appreciate it if you would have the enclosed observations* circulated as an official document of the fifty-eighth session of the Commission on Human Rights.

(Signed) Murat SUNGAR
Ambassador
Permanent Representative

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* Reproduced as received, in the language of submission only.

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Annex

OBSERVATIONS OF THE GOVERNMENT OF TURKEY ON THE REPORT OF MR. ABDELFATTAH AMOR, SPECIAL RAPPORTEUR OF THE UN COMMISSION ON HUMAN RIGHTS ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF, CONCERNING HIS VISIT TO TURKEY FROM 30 NOVEMBER TO 9 DECEMBER 1999

I. GENERAL COMMENTS

1. Upon the invitation of the Government of Turkey, Mr. Abdelfattah Amor, Special Rapporteur of the UN Commission on Human Rights on the elimination of all forms of intolerance and of discrimination based on religion or belief, visited Turkey from 30 November to 9 December 1999.

2. The visit to Turkey by Special Rapporteur Amor falls within the scope of a series of visits to our country by persons mandated to carry out thematic procedures of the Commission on Human Rights.

3. These visits clearly demonstrate the willingness of the Government of Turkey to fully cooperate with the mechanisms of the Commission on Human Rights. Like other Special Rapporteurs who have visited Turkey, Mr. Amor was received at high level, the majority of his requests for meetings with official representatives were met and he enjoyed the full cooperation of our authorities during his visit.

4. The report of the Special Rapporteur concerning his visit to Turkey, which was issued as General Assembly document A/55/280/Add. 1, has been carefully examined by the Turkish authorities. The present document aims to outline the views and observations of the Turkish authorities on the said report.

5. The Government of Turkey would very much like to believe that the Special Rapporteur has sought to report on the situation in Turkey in an impartial manner, in conformity with his mandate. However, the Government of Turkey regrets to express its firm opinion that the report creates serious doubts about the Special Rapporteur's impartiality as well as his grasp of the situation in our country.

6. The Special Rapporteur has failed to reflect an accurate picture of the situation regarding freedom of religion in Turkey. His report contains gross misrepresentations of facts. Furthermore, certain practical problems of an essentially individual nature are selectively singled out and magnified to create a distorted image of Turkey.

7. The report gives the impression of having been drafted with a distinctly political undertone, rather than an objective, legal one. The Special Rapporteur not only unfairly levels serious charges against certain administrative practices of the Turkish authorities, but goes so far as to criticize the founding philosophy underlying the system of government and the lifestyle adopted by the citizens of the modern Republic of Turkey.

8. Therefore, and for reasons which shall be outlined in detail below, the Turkish Government is of the opinion that the Special Rapporteur has overstepped his mandate by leveling groundless charges against Turkey unsubstantiated by factual evidence.

II. HISTORICAL BACKGROUND OF RELIGIOUS TOLERANCE IN TURKEY

9. The Republic of Turkey is situated on lands on which countless cultures and religions have co-existed throughout history.

10. Before the foundation of the modern Republic of Turkey in 1923, the Ottoman Empire adopted a policy of respect and tolerance with regard to the various ethnic, cultural and religious communities living under its administration. Owing to this exceptional system, members of various religions and denominations within the boundaries of the Empire were able to preserve their distinct cultures and languages throughout centuries while living according to their religious creeds.

11. In this sense, the Ottoman Empire was a "melting pot" and a "multi-cultural society" many centuries before these concepts even entered the political lexicon in the West.

12. Even in the Middle Ages, when it was common for Christian states to resort to violence in an attempt to convert Jews and members of other faiths and denominations to what were considered orthodox religious doctrines, all religious communities who were subjects of the Ottoman Sultan remained free from persecution and were never forced to convert to a religion other than their own.

13. Long before the concept of religious tolerance gained acceptance in Europe, the Ottoman State became a safe haven for Jews and other peoples fleeing religious persecution in other European countries.

14. Beginning in the 15th century, Jews who faced pressure and discrimination in various European countries due to their religious beliefs immigrated to the Ottoman Empire and benefitted from the Empire's wide-ranging religious tolerance.

15. The Republic of Turkey has maintained the tradition of religious tolerance which it inherited from its predecessor, the Ottoman Empire. Just as the Ottoman Empire opened its doors to Jews more than 500 years ago, Turkey, despite its limited resources, has welcomed Jews from Nazi Germany as well as hundreds of thousands of refugees looking for a safe haven in the aftermath of regional conflicts, among them Iraqi Kurds, Bosnians, Kosovars and others.

III. CONSTITUTIONAL AND LEGAL FRAMEWORK IN THE CONTEXT OF FREEDOM OF RELIGION AND BELIEF

16. The Turkish Republic is a unitary State which ensures equal individual rights for all its citizens.

17. The Turkish Republic's secular and democratic structure ensures that no discrimination takes place on the basis of religion, language, race, creed, gender or ethnic origin.

18. In Turkey, no limitation is imposed on the individual private exercise by all citizens of public freedoms, including the freedom of religion and belief. Any allegation to the contrary reflects ignorance of the Constitutional order, strong social fabric and cultural traditions of the country.

19. Turkish citizens' fundamental rights in the context of freedom of religion and belief are safeguarded by Article 10 of the Constitution, dealing with equality before the law, which provides that "All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings".

20. According to Article 14 of the Constitution on the prohibition of abuse of fundamental rights and freedoms, "no right established by the Constitution may be exercised in such a way as to threaten the indivisible unity of the State, its territory and nation, (...) by creating discrimination based on language, race, religion or sect or by establishing, through any other means, a system of government based on one or other of these concepts or ideas". Moreover, Article 15 of the Constitution, on suspension of the exercise of fundamental rights and freedoms, even in case of war, mobilization or state of emergency, declares that "no one may be compelled to reveal his or her religion, conscience, thought or opinion, or be accused on account of them".

21. Article 24 of the Constitution, dealing with freedom of religion and conscience, provides that:

"Everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.

No one shall be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental social, economic, political and legal order of the State on religious tenets".

22. The Turkish Penal Code also contains provisions prohibiting crimes against religious freedom. In this context, Articles 175 to 178 are provided below:

"Article 175. Whoever, with the intention of debasing any religion, prohibits or violates the performance of religious services or ceremonies, shall be punished by imprisonment for six months to 1 year and shall be fined. If this offence is committed by using force, threat or by debasement, the perpetrators shall be punished by imprisonment for 1 to 2 years and shall be fined. Whoever debases God, religions, the prophets or the holy books, or whoever condemns, derides or insults someone for not fulfilling his religious duties shall be imprisoned for six months to 1 year and shall be fined. If the felony in paragraph 3 above is committed via the media, the penalty shall be doubled. In case of the incitement by media to the felony stated in Article 1, the same punishment shall be given.

Article 176. Whoever pulls down or impairs or damages in any way items in places of worship, or uses force against or insults religious officials, with the intention of debasing any religion, shall be punished by imprisonment for 1 to 2 years and shall be fined. When a felony is committed during or in connection with the performance of duty by spiritual officials, the punishment prescribed by law for that felony shall be increased by one sixth.

Article 177. Whoever impairs monuments or similar works in places of worship or engravings in cemeteries, or damages tombs, shall be punished by imprisonment for 1 to 3 years and shall be fined. Whoever defiles any of the above-mentioned objects shall be punished for three months to 1 year and fined.

Article 178. Whoever, with the intent of defamation or any other illegal intent, insults or takes partially or entirely the corpse or bones of a person shall be punished by imprisonment for 1 to 3 years and shall be fined. Whoever, exclusive of the above acts, removes a whole corpse or a part of it, or disinters a dead body or its bones without obtaining official permission, shall be imprisoned for 2 to 6 months and fined. When this crime is committed via officials of a cemetery or graveyard or by persons to whom corpses or bones are delivered, the punishment prescribed by law shall be doubled."

23. Article 312 of the Turkish Penal Code penalises "anyone publicly inciting the population to hatred and enmity based on differences of class, race, religion, belief or region".

IV. THE PRINCIPLE OF SECULARISM IN TURKEY

24. Secularism is not only the distinguishing mark of a modern state, but also a "sine qua non" condition of a democratic and pluralistic political order. As such, it is inseparable from the concept of democracy.

25. True freedom of conscience and political and legal equality of all citizens regardless of their religious beliefs can only be achieved under a secular state. A theocratic democracy is impossible both theoretically and empirically and there has been no example of it in the history of mankind.

26. While not all secular systems may be democratic, all democratic systems, by definition, must be secular. What distinguishes a democracy from a dictatorship is full respect for human rights and fundamental freedoms. Secularism is not a rival or threat to religion, but its firmest guarantee, as secularism, in its essence, entails the impartiality of the State vis-a-vis all religious denominations.

27. A challenge to secularism is also a challenge to the democratic political order and human rights. A democratic state which has the right to protect democracy must also have the right and duty to protect the secular character of the state.

28. The founding fathers of the Turkish Republic put special emphasis on the principle of secularism. The adoption of secularism began in the earliest days of the Republic.

29. Following the War of Independence and the foundation of the Republic of Turkey in 1923, sovereignty was transferred from the Sultan to the people. Consequently, secularism became one of the pillars of the reforms of Atatürk, and one of the most important elements of the founding philosophy of the young Republic.

30. The proclamation of the Republic in 1923 and the abolition of the Caliphate in 1924 were irreversible steps in the path towards establishing a secular state system. Also in 1924, religious schools were closed and all educational institutions were placed under the Ministry of National Education, thereby ensuring unity in education. The Directorate of Religious Affairs was established in the same year.

31. The Constitution of 1924 was amended in 1928 to delete the provision declaring Islam as the state religion. In the 1937 amendment to the Constitution, secularism was formally introduced as one of the basic principles of the Republic.

32. The fundamental purpose underlying all these revolutionary steps was to prevent the exploitation of religion for political purposes. This process was also imperative for the transfer of sovereignty from the divine power of the Sultan and the supreme religious leader, the Sheik-ul-Islam, to the Turkish nation represented by the Parliament. In this sense, secularism constitutes the essence of the Turkish Revolution as embodied in the reforms of Atatürk.

33. The present Constitution of 1982, like its predecessors, has retained the principle of secularism. While it clearly recognizes the freedom of religion, which comprises the freedom of faith and the freedom of worship, it keeps the Directorate of Religious Affairs as part of the administrative apparatus (Article 136).

34. The Constitution (Article 174) also accords special protection to the eight principal reform laws passed during the Atatürk era, which embody the principles of secularism. These are the laws establishing secular education and civil marriage; adopting the Turkish alphabet and the international numerals; introducing the hat; closing the dervish convents; abolishing certain titles, and prohibiting the wearing of certain garments. Under Article 174 of the Constitution, no provision of the Constitution shall be construed in such a way as to render unconstitutional the enumerated reform laws, which safeguard the secular character of the Republic. In other words, such laws cannot be found unconstitutional by the Constitutional Court.

35. Another constitutional provision protecting the secular character of the State is the ban on the use of religion for political purposes. Article 24 prohibits the exploitation of religion or religious feelings for political objectives or personal benefit. It also forbids even partial establishment of the fundamental social, economic, political and legal order of the State upon religious principles.

36. Finally, Article 42 of the Constitution allows for the Government's supervision of religious instruction by stating that no educational institutions shall be established that are incompatible with the principles of contemporary science and education.

37. If one pillar of secularism as applied in Turkey is the separation of religion from governmental affairs, another is the freedom of religion and conscience for all members of society. In this respect, Article 24 of the Constitution is essentially designed to protect the freedom of conscience not only of members of the recognized and established religious communities, but also that of non-believers.

38. In the West, secularism has entailed the complete separation of religion and the State. The evolution of secularism in Turkey, however, has allowed for some measure of State control over religion. It was feared that total non-interference between religion and the State would, in effect, result in the interference of religion in governmental affairs, since Islam is not only a system of faith but also a system of law, as well as a social and political ideology. If religious affairs were left entirely in the hands of communal organizations without any governmental supervision, Islam would inevitably retain its hold over laws, politics and economics.

39. The application of secular principles in societies of different faiths might vary. The form of the boundaries that separate the church and the state in Christian societies is different from that which delineates the domain of the religion and the domain of the State in Turkey. One comes from a dualist history, whereas the other is built on the rubble of a monolithic state structure. Since there is no church-like institution in Turkey, it falls on the State to streamline religious services for its citizens.

40. The Directorate of Religious Affairs, directly affiliated to the Office of the Prime Minister, was established with this consideration in 1924. Its duties and functions primarily include conducting work related to the pretexts, moral principles and ethics system of Islam; enlightening the population about religion; managing places of worship and recruiting religious officials. Salaries of religious officials are paid from the budget of the Directorate.

41. Contrary to allegations towards this end put forward by the Special Rapporteur, it becomes clear that the Directorate of Religious Affairs is not entrusted with the duty of propagating the Sunni/Hanafi version of Islam, but simply with that of providing basic religious services to Muslim citizens. Under Article 136 of the Constitution, the Directorate of Religious Affairs operates "in accordance with the principle of secularism, detached from political views and ideas and making national solidarity and integrity its objective" in the exercise of its duties. Consequently, the Special Rapporteur's allegation in Paragraph 128 of the report that "religious practice appears to be regimented by the government and Islam is treated as if it were a State affair" has no basis in reality.

42. In paragraph 132 of the report, the Special Rapporteur also misrepresents the situation regarding compulsory courses on religion . In fact, these courses, the exact name of which are "Religious Culture and Ethics", do not entail religious indoctrination on the basis of Sunni Islam at all, but merely aim to provide objective information on the major religions of the world and the principles of morality. A cursory examination of Turkish school textbooks will verify this fact. Furthermore, as stated by the Special Rapporteur, members of the non-Muslim communities are exempted from these courses upon their request. In this respect, the Special Rapporteur's claim that some non-Muslims may "decline to seek an exemption for fear of ostracism or public pressure" disregards the tolerant structure of Turkish society.

43. The Special Rapporteur misrepresents the situation in Turkey by pointing to alleged deficiencies in the Turkish legal system. In fact, there are no laws in Turkey which recognize special privileges for any religious community or contain any discriminatory provisions against members of any religious denomination or belief. Turkish laws are based on rationality and the needs of the society. The role of the secular, democratic state, which is equidistant to all religions, is simply to ensure that a conducive environment exists for citizens to practise their religion within the framework defined by law.

44. Consequently, the Special Rapporteur's claims that secularism has become a kind of state religion in Turkey and that the Turkish legal system gives a special priority to the Sunni/Hanafi sect of Islam, as well as the analogy he makes between Atatürk's principles and religion, do not reflect the state of affairs.

45. In one of his recommendations at the end of the report, the Special Rapporteur suggests that "the Government should ensure that Islam does not become a political tool, since that would promote religious extremism". The Special Rapporteur may rest assured that our interpretation of secularism does not leave room for any religion to become a political tool in Turkey.

46. It is universally recognized that the Republic of Turkey has the most succesful experience in reconciling an overwhelmingly Muslim population with a democratic/pluralistic system in accordance with universally accepted values. The Turkish Revolution, which created the modern Republic of Turkey, transformed a theocratic Islamic order into a democratic Republic where sovereignty rests with the people.

47. This comprehensive revolution was achieved only with strict adherence to the principle of secularism. Without a strong secular base, it would have been impossible to create a state based on the rule of law and respect for human rights and fundamental freedoms. In this sense, the protection of the secular character of the State carries a critical importance for the sustainment of Turkey's ongoing progress towards building a more democratic and participatory political and social system in line with universal values and standards.

48. The Special Rapporteur seems to insinuate that secularism is applied too rigidly in Turkey, to the detriment of fundamental freedoms. It is only natural that Turkey should implement its laws to counter the threat posed by those who abuse Islam for political ends. This is imperative for the strengthening of the rational distinction between religion and the State, the achievement of which is among the most notable successes of the Turkish Republic.

V. NATIONALISM IN THE TURKISH CONTEXT

49. The Special Rapporteur's views on Turkish nationalism need to be analysed on the basis of the existing legal framework as well as socio-political realities prevalent in Turkey. For reasons that shall be explained below, the Special Rapporteur's conclusions regarding Turkish nationalism and his allegation that the Turkish State is following an "active policy of Turkization" are unacceptable.

50. All Turkish citizens are free to equally exercise their rights guaranteed by the Constitution and relevant laws. There is no discrimination on the basis of ethnic origin, race, creed, gender, language or religion.

51. Discrimination on these premises is completely alien to Turkish culture and prohibited under applicable laws. Expressions of ethnic identity, such as the use of local languages or dialects, are considered as matters falling in the private domain, and are therefore not the subject of laws to be regulated by the State.

52. Following the War of Independence, the new Republic sought to build a new "Turkish" national identity. However, this principle of nationalism did not carry ethnic connotations. On the contrary, this nationalism embraced all peoples of the former Ottoman Empire who became citizens of the new Turkish

Republic. Specifically, it was designed as an "umbrella concept" vis-a-vis citizenship and it was independent of religion or belief and racial or ethnic origins, while providing legal protection for freedom of religion and belief, including the principle of non-discrimination. In this sense, Turkish nationalism served to unite rather than divide.

53. The young Republic opted for the territorial criterion of nation formation rather than the blood criterion, as well as a "subjective definition" of national identity, which was in any case the only feasible option for the Turkish Republic. The Turkish nation consists of various ethnic groups. "Being a Turk" does not refer to membership in the largest of these ethnic groups, i.e. the Turkish ethnic group, but to an "upper identity" otherwise expressed as "Turkish citizenship". Just as the words "American", "British" or "French" stand for the citizenship of people of different ethnic backgrounds of their respective countries, the word "Turkish" defines the citizenship bond , and not necessarily ethnicity. In fact, the concept of "Turkish citizenship" refers to an all-embracing legal status encompassing all Turkish citizens of various ethnic backgrounds and granting them equal rights and freedoms under the guarantee of the Constitution.

54. In this respect, Article 2 of the Constitution stipulates that the Republic of Turkey is "committed to the nationalism of Atatürk". Taken together with Article 3, which states that the Turkish State is an indivisible whole with its territory and nation, this means that the human element of the State is the Turkish nation. As such, the idea of a nation-state is incompatible with a theocratic state where the human component is a religious community, not a nation.

55. Nationalism is defined in the Preamble of the Constitution, which states that "All Turkish citizens are united in national honour and pride, national joy and grief, their rights and duties towards the national entity, blessings and burdens, and in every manifestation of national life". This is a clear confirmation of the "subjective" view of the nation which presupposes that a nation is based not necessarily on such "objective" shared characteristics as race, ethnicity, religion or language, but on the shared sentiments and commitments of its members, and particularly on their will to live together under a common government.

56. The Constitution also refers to "Atatürk nationalism" to differentiate it from some other versions of nationalism. This implies a rejection of racism, chauvinism and irredentism, which have no room in Turkish nationalism.

57. Under Article 66 of the Constitution, "Turkishness" is not an ethnic or cultural, but a political concept. This article states that "Everyone bound to the

Turkish State through the bond of citizenship is a Turk". Consequently, it will be wrong to allege that Turkish nationalism, which has no ethnic roots and which is only an expression of citizenship, causes setbacks in the full respect for religious freedom.

58. It is disappointing that the Special Rapporteur gives credence to attempts to analyse the texture of Turkish society in mere percentages ("Alawi and other Shiite communities account for at least 20 percent of the Muslim population"). It is true that the Hanafi conception of Islam has a wider following in Turkey. However, the Turkish State does not base itself on any sect. Neither does it suppress the religious freedom of the "minority" or the "majority". It is a secular one.

59. Racial, ethnic or religious discrimination encountered in some societies is out of the question when Turkey is considered. The racial, ethnic or religious origin of our citizens has not been a relevant factor in Turkey. Geography and history have endowed us with a rich culture, as well as ethnicity. The multicultural fabric of Ottoman society has ensured that race is not perceived as a social or political dividing line in the collective consciousness of the Turkish people. This legacy of non-discrimination, deeply embedded in the Turkish psyche, forms the foundation of contemporary Turkish politics.

60. Therefore, Paragraph 135 of the Special Rapporteur's report, which claims that "the Turkish constitution elevates the nationalism of Atatürk to a new religion" is offensive and unacceptable. Circles which interpret Atatürk's principles as "petrified doctrines" or which claim that they are elevated to a new religion are usually extremists. Hence, the Turkish Government sincerely regrets the use of analogous terminology in the report.

61. As amply demonstrated above, the founding principles of the Turkish Republic do not represent a cult or a religion. To the contrary, they are embedded in rationalism and universal values. They form the basis of a very comprehensive reform process which resulted in the creation of modern Turkey, where people are able to fully enjoy freedom of religion, belief and worship without interference from the State. To claim, as the Special Rapporteur does, that Turkish nationalism aims at the "Turkization" of non-Turkish ethnic and religious communities, which have always maintained their local cultures and languages, is a distortion of reality. The mention in Paragraph 158 of the report of "stereotyped imperatives of the Turkization policy (i.e. to be Turkish by ethnic origin and to be a Muslim by religion)" reflects a prejudiced mentality. When one considers the wide diversity of Turkish society and the natural tolerance, forged through centuries, accorded by the Turkish people to all local cultural identities, this terminology is irrelevant in the context of Turkey.

VI. RELIGIOUS MINORITIES

62. As a general principle, the Turkish legal system does not encompass the concept of "minority". The non-Muslim minorities recognized by the Lausanne Peace Treaty of 1923, which is in essence the founding document of the Turkish Republic, constitute the only exception to this rule.

63. The fundamental principle adopted in respect of the rights of minorities in the drafting of the Treaty of Lausanne was to provide guarantees for the rights of non-Muslim communities in a country with a Muslim majority.

64. In this context, Non-Muslim minorities in Turkey, namely the Armenian, Jewish and Greek Orthodox communities, enjoy the exclusive guarantees which have been provided to them by Articles 37-45 of the section entitled "Protection of Minorities" of the Treaty of Lausanne.

65. According to the Lausanne Peace Treaty :

"Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or offical action prevail over them" (Article 37).

"Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims" and "All the inhabitants of Turkey, without distinction of religion, shall be equal before the law" (Article 39).

"Turkish nationals belonging to non-Muslim minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control, at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein" (Article 40).

"As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in primary schools, instruction shall be given to the children of such Turkish nationals through the medium of their own language. In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Muslim minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes" (Article 41).

66. Article 40 of the Law on Private Education Institutions states that "They (minorities) shall have equal rights in the establishment, administration and supervision of all kinds of charitable establishments, religious and social institutions, all types of schools and similar education and training institutions, provided that the expenses are covered by them and they will be free to use their own languages and execute their religious ceremonies".

67. Article 41 of the said Law states that "In general (public) education, appropriate circumstances shall be provided by the Turkish Government for the provision of education for the children of these Turkish citizens in their primary schools and in their mother languages in the provinces where non-Muslim citizens reside. This provision shall not obstruct the compulsory teaching of the Turkish language in the concerned schools by the Turkish Government".

68. In practice, with the exception of courses of Turkish language, education in private minority schools established by non-Muslim minorities is given to Turkish nationals belonging to the said minorities in their own language; this includes religious education. Students belonging to non-Muslim minorities may also, if they so desire, attend any other public or private school not run by their respective minorities, without any restriction.

69. Apart from the Treaty of Lausanne, the rights of Turkish citizens belonging to religious minorities are also under the guarantee of the Constitution. In accordance with Articles 10 and 24 of the Constitution, non-Muslim Turkish nationals who have been recognized as religious minorities are treated equally before the law and enjoy the identical rights and freedoms as all other Turkish citizens, including the right to elect and to be elected to office.

70. The Armenian minority in Turkey enjoys full freedom of worship; besides the Armenian Patriarchate in Istanbul, the Armenian minority has a total of 51 churches, 35 of which are open for worship. Over 4.000 students receive education in the Armenian language in 44 schools. The minority operates 17 cultural and charitable associations, 2 newspapers, 6 magazines and 5 hospitals in Istanbul.

71. The Jewish minority has 18 synagogues in Istanbul and 24 places of worship in other provinces. Approximately 700 students attend 4 Jewish private minority schools. The minority also has 8 associations and 3 hospitals, as well as 1 newspaper.

72. The whole of the Greek Orthodox minority resides in Istanbul. Turkish citizens of Greek origin in Istanbul enjoy all the facilities and opportunities provided by a vibrant, cosmopolitan city. The Greek Orthodox minority enjoys freedom of worship in 73 churches of Greek Orthodox faith open for worship in Istanbul. The minority possesses 6 high schools, 5 junior high schools and 17 primary schools for a total of 297 students. The minority also runs about 65 foundations and associations, as well as 2 newspapers. The large majority of the members of the Greek Orthodox minority who left Istanbul in the past and settled in Greece, mainly due to socio-economic reasons, have preserved their Turkish citizenship. Consequently, there is no legal or administrative obstacle of any kind to their returning or travelling to Turkey whenever they wish.

73. In view of the foregoing, the Turkish Government finds it difficult to understand the motives behind the recommendations made by the Special Rapporteur regarding the Treaty of Lausanne. Its provisions are observed by the Turkish authorities in practice. It is out of the question for the Turkish authorities to interfere in the freedom of worship, religion, association and education of Turkish citizens belonging to non-Muslim minorities. Practical difficulties of an individual nature which come up occasionally involving, for instance, obtaining permission for repair or renovation of places of worship are easily resolved through dialogue between local officials and the representatives of the minorities.

74. Contrary to the suggestion put forward by the Special Rapporteur in Paragraph 141 of the report, the Government of Turkey is of the opinion that there is no need for any decision by any working group on the "interpretation that should be given to the notion of minorities in the context of the Treaty of Lausanne". From our point of view, the notion of minorities in the Treaty of Lausanne is abundantly clear. Turkey fully complies with all its obligations stemming from the Treaty in domestic law and national practice. Tolerance and respect for different faiths is one of the characteristics of Turkish society inherited from our past. The remarks made by the representatives of the minority communities interviewed by the Special Rapporteur to the effect that they enjoy full freedom of religion and worship prove that this heritage is preserved in Turkey.

VII. CONCLUDING REMARKS

75. The report prepared by the Special Rapporteur on his visit to Turkey falls far short of the standards of objectivity and accuracy. The Government of Turkey seriously disputes the conclusions of the Special Rapporteur contained in Section V of his report, in particular his allegations with regard to the interpretation in Turkey of the principles of secularism and nationalism, and sincerely regrets that despite the extensive cooperation provided by the Turkish authorities before, during and after the visit, the Special Rapporteur chose to distort the situation in Turkey. Furthermore, the Turkish Government is of the firm opinion that the "recommendations" put forward by the Special Rapporteur in Paragraphs 160-166 of the report are out of place in the context of Turkey; the Turkish authorities take utmost care to implement the principles and measures contained in the said Paragraphs in daily practice.

76. Nevertheless, the Government of Turkey remains fully committed to constructive cooperation and dialogue with the Office of the High Commissioner for Human Rights and the Special Rapporteur. In the same spirit, the Turkish Government expects the Special Rapporteur to take into account the above facts while implementing his mandate in the future with regard to Turkey.

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